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Colombia: draft resolution

Preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, in accordance with the United Nations Convention against Corruption

The General Assembly,

Recalling its resolutions 54/205 of 22 December 1999, 55/61 of 4 December 2000, 55/188 of 20 December 2000, 56/186 of 21 December 2001 and 57/244 of 20 December 2002, and recalling also its resolutions 58/205 of 23 December 2003, 59/242 of 22 December 2004, 60/207 of 22 December 2005, 61/209 of 20 December 2006, 62/202 of 19 December 2007, 63/226 of 19 December 2008, 64/237 of 24 December 2009 and 65/169 of 20 December 2010,

Welcoming the entry into force on 14 December 2005 of the United Nations Convention against Corruption,[1]

Recognizing that fighting corruption at all levels is a priority and that corruption is a serious barrier to effective resource mobilization and allocation and diverts resources away from activities that are vital for poverty eradication, and economic and sustainable development,

Recognizing also that supportive domestic legal systems are essential in preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets,

Acknowledging that the fight against all forms of corruption requires strong institutions at all levels, including at the local level, able to undertake efficient preventive and law enforcement measures in accordance with the Convention, in particular chapters II and III,

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[1] United Nations, *Treaty Series*, vol. 2349, No. 42146.

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Reaffirming its concern about the laundering and the transfer of assets of illicit origin derived from corruption, and stressing the need to address this concern in accordance with the Convention,

Acknowledging, in this regard, the important progress made towards the implementation of chapter V of the Convention, but recognizing that States parties continue to face challenges in asset recovery owing to, inter alia, differences in legal systems, the complexity of multijurisdictional investigations and prosecutions, lack of familiarity with mutual legal assistance procedures of other States and difficulties in identifying the flow of proceeds of corruption, and noting the particular challenges posed in recovering the proceeds of corruption in cases involving individuals who are, or have been, entrusted with prominent public functions and their family members and close associates,

Determined to prevent, detect and deter, in a more effective manner, international transfers of illicitly acquired assets and to strengthen international cooperation through the commitment of Member States to effective national and international action,

1. *Takes note* of the report of the Secretary-General;[2]

2. *Condemns* corruption in all its forms, including bribery, as well as the laundering of proceeds of corruption and other forms of economic crime;

3. *Expresses concern* about the magnitude of corruption at all levels, including the scale of the transfer of assets of illicit origin derived from corruption, and in this regard reiterates its commitment to preventing and combating corrupt practices at all levels, in accordance with the Convention;

4. *Welcomes* the significant number of Member States that have already ratified or acceded to the United Nations Convention against Corruption,[1] and in this regard urges all Member States and competent regional economic integration organizations, within the limits of their competence, that have not yet done so to consider ratifying or acceding to the Convention as a matter of priority, and calls upon all States parties to fully implement the Convention as soon as possible;

5. *Urges* Member States to combat and penalize corruption in all its forms as well as the laundering of proceeds of corruption, to prevent the transfer of illicitly acquired assets, and to work for the prompt return of such assets through asset recovery consistent with the principles of the Convention, particularly chapter V;

6. *Calls upon* States parties to the Convention that have not yet done so to designate a central authority for international cooperation under the Convention and, where appropriate, focal points for asset recovery, and also calls upon States parties to give timely consideration to the assistance requests made by such authorities;

7. *Welcomes* the outcome of the fourth session of the Conference of the States Parties to the United Nations Convention against Corruption, held in Marrakech, Morocco, from 24 to 28 October 2011, and calls upon States parties to fully implement the decisions of the Conference;

8. *Calls upon* States parties to the Convention to afford one another the widest possible cooperation and assistance in the identification of stolen assets and

[2] A/67/96.

proceeds of corruption and to give timely consideration to the provision of international mutual legal assistance in requests related to criminal, civil and administrative matters, and urges States parties to take a proactive approach to international cooperation in asset recovery by making full use of the mechanisms provided for in chapter V of the Convention, bearing in mind the particular importance of the recovery of those assets for sustainable development and stability;

9. *Expresses the need* to fight against all forms of corruption, fraudulent practices and unethical behaviour by increasing transparency, integrity, accountability and efficiency in the public and private sectors, and recognizes, in this regard, the importance of denying safe haven to corrupt officials, those who corrupt them and their assets, and to cooperate in their extradition, in accordance with applicable national and international law;

10. *Stresses* the need for transparency in financial institutions, invites Member States to work on the identification and tracing of financial flows linked to corruption, the freezing or seizing of assets derived from corruption and the return of such assets, consistent with the Convention, and encourages the promotion of human and institutional capacity-building in that regard;

11. *Calls upon* States parties to the Convention, taking into account the central role of oversight bodies in the prevention and fight against corruption, to give timely consideration to the implementation of requests relating to the identification, freezing and tracing of proceeds of acts of corruption, in accordance with the provisions of chapter V of the Convention;

12. *Takes note with appreciation* of the work carried out under the Mechanism for the Review of Implementation of the Convention and by the Implementation Review Group, and urges Member States to continue to support this work and make every possible effort to provide comprehensive information and adhere to the timelines for review as contained in the guidelines for governmental experts and the secretariat in the conduct of country reviews;

13. *Urges* States parties to the Convention to give priority attention to full implementation of chapter V of the Convention, taking into account the fact that asset recovery is a fundamental principle of the Convention;

14. *Takes note with appreciation* of the work of the Open-ended Intergovernmental Working Groups on Asset Recovery and on Prevention of Corruption, welcomes the establishment of the Open-ended Intergovernmental Expert Meeting on International Cooperation, and calls upon States parties to the Convention to support the work of these bodies;

15. *Welcomes* the efforts of Member States that have enacted laws and taken other positive measures in the fight against corruption in all its forms, and in this regard encourages Member States that have not yet done so to enact such laws and to implement effective measures at the national level, in accordance with the Convention;

16. *Affirms* the need for Member States to take measures to prevent the transfer abroad and laundering of assets derived from corruption, including to prevent the financial institutions in both countries of origin and destination from being used to transfer or receive illicit funds, as well as to assist in their recovery and to return such assets to the requesting State, in accordance with the Convention;

17. *Urges* all Member States to abide by the principles of proper management of public affairs and public property, fairness, responsibility and equality before the law and the need to safeguard integrity and to foster a culture of transparency, accountability and rejection of corruption, in accordance with the Convention;

18. *Calls for* further international cooperation, inter alia, through the United Nations system, in support of national, subregional and regional efforts to prevent and combat corrupt practices and the transfer of assets of illicit origin, consistent with the principles of the Convention, and in this regard encourages close cooperation between anti-corruption agencies, law enforcement agencies and financial intelligence units;

19. *Requests* the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with the resources necessary to enable it to promote, in an effective manner, the implementation of the Convention and to discharge its functions as the secretariat of the Conference of the States Parties to the Convention, and also requests the Secretary-General to ensure that the mechanism for the review of implementation of the Convention is adequately funded, in line with the resolution adopted by the Conference of the States Parties;[3]

20. *Reiterates its call upon* the private sector, at both the international and the national levels, including small and large companies and transnational corporations, to remain fully engaged in the fight against corruption, notes in this context the role that the Global Compact can play in fighting corruption and promoting transparency, and emphasizes the need for all relevant stakeholders, including within the United Nations system, as appropriate, to continue to promote corporate responsibility and accountability;

21. *Requests* the international community to provide, inter alia, technical assistance to support national efforts to strengthen human and institutional capacity aimed at preventing and combating corrupt practices and the transfer of assets of illicit origin as well as for asset recovery in accordance with chapter V of the Convention, consistent with the principles of the Convention, and to support national efforts in formulating strategies for mainstreaming and promoting transparency and integrity in both the public and private sectors;

22. *Takes note* of the Stolen Asset Recovery Initiative of the United Nations Office on Drugs and Crime and the World Bank, takes note of its cooperation with relevant partners, and encourages coordination among existing initiatives;

23. *Also takes note* of the decision by the Conference of the States Parties to the Convention to accept the offer by the Government of the Russian Federation to host its sixth session in 2015, and reiterates its appreciation for the offer by the Government of Panama to host the fifth session of the Conference in 2013;

24. *Requests* the Secretary-General to submit to the General Assembly, at its sixty-eighth session, a report on preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, in accordance with the Convention.

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[3] CAC/COSP/2011/14, sect. I.A, resolution 4/1.